

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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for May 28, 2003 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit 1583A  
Russ' Market

**PROPOSAL:** Add parking stalls in residential district to serve existing grocery store.

**LOCATION:** South 17<sup>th</sup> and Garfield Streets.

**LAND AREA:** Entire site is 93,262 sq. ft., more or less.  
New parking area is 6,765 sq. ft., more or less.

### **CONCLUSION:**

The Comprehensive Plan specifies that commercial use intrusions into residential areas should not be allowed. The Zoning Ordinance, however, does allow certain expansions of commercial uses and parking lots into residential areas by special permit. Although the special permit allows some discretion, this application does not present sufficient cause to warrant discretion, and the permit conditions should be strictly applied.

### **RECOMMENDATION:**

Denial

### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 8, W. W. Holmes Subdivision, located in the NW 1/4 of Section 36-10-6, Lancaster County, Nebraska

**EXISTING ZONING:** R-6

**EXISTING LAND USE:** Single-family dwelling

### **SURROUNDING LAND USE AND ZONING:**

North:	Parking lot for grocery store	R-6 Residential
South:	Single-family dwellings	R-6 Residential
East:	Single-family dwellings	R-6 Residential
West:	Parking lot for grocery store	R-6 Residential

### **HISTORY:**

Jun 1997 Administrative Amendment #97054 to Special Permit #1583 approved for a seasonal fireworks tent to be located within the parking lot.

- Nov 1995 Special Permit #1583 approved a parking lot located in a residential district that will serve the adjacent grocery store.
- Mar 1986 Special Permit #1052B approved the reconfiguration of the parking lot in conjunction with the expansion of the adjacent grocery store.
- Oct 1984 Special Permit #1052A approved the use of a residential lot for use as an off-street parking lot for the adjacent grocery store.
- Aug 1986 Change of Zone #2267 approved changing the zoning on nearby property from R-6 Residential to B-3 Commercial for an 11' wide strip for the canopy over a newly remodeled grocery store entrance.
- Jul 1983 Special Permit #1052 approved the use of a residential lot to be used as off-street parking, with 0' front yard setback, for the adjacent grocery store.
- May 1979 The zoning update changed the designation of this property from D Multiple Dwelling to R-6 Residential.
- Aug 1975 Special Permit #220 was revoked. Since its issuance, part of Lot 2 had been rezoned to a district that allowed parking, and Special Permit #640 had been issued over the remainder of Lot 2, which superceded this permit.
- Jul 1975 Special Permit #640B denied the reduction of the front yard setback along Washington Street for the parking lot for the adjacent grocery store.
- Jan 1974 Special Permit #640A approved the reduction of the front yard setback from 20' to 0' along 18<sup>th</sup> Street for the parking lot for the adjacent grocery store.
- Oct 1973 Special Permit #640 approved the use of Lot 2, which was zoned residential, as off-street parking for the adjacent business.
- Sep 1972 Change of Zone #1238 approved changing the zoning on nearby property from D Multiple Dwelling to I Commercial for the enlargement of an existing grocery store.
- Nov 1961 Special Permit #220 approved the use of Lot 2, which was zoned residential, as off-street parking for the adjacent business.
- Sep 1956 Special Permit #100 approved the use of Lot 3, which was used for residential purposes, as off-street parking for the adjacent business.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan shows this property as Urban Residential. (F 26)

The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends upon implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods. (F 15)

Guiding Principles applying to all Commerce Centers are: (F 42)

Commerce Centers should develop as compact clusters or hubs with appropriate site design features to accommodate shared parking, ease of pedestrian movement, minimize impacts on adjacent areas, and possess a unique character.

New or established commercial uses should not encroach upon, or expand into, existing neighborhoods.

The most intensive commercial uses, such as restaurants, car washes, grocery stores, gasoline/convenience stores and drive thru facilities should be located nearer to the major street or roadway and further from the residential area. Citizens of the community have become increasingly concerned about "light pollution" and its effects upon neighborhoods and the environment. Lighting, dumpsters, loading docks and other service areas should be shielded from the residential area.

Guiding Principles for Existing Commercial Centers (F 49)

Maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.

Expansion of existing commercial and industrial uses should not encroach on existing neighborhoods and must be screened from residential areas.

The priority in older areas should be on retaining areas for residential development. Prior to approving the removal of housing in order to provide for additional parking to support existing centers, alternatives such as shared parking, additional on-street parking or the removal of older commercial stores should be explored.

Guiding Principles for Existing Neighborhoods (F 68)

Encourage a mix of compatible land uses in neighborhoods, but similar uses on the same block face. Similar housing types face each other: single-family faces single-family, change to different use at rear of lot.

Commercial parking lots should not intrude into residential areas where residential uses predominate a block face.

More intense commercial uses (gas stations, big box stores, car washes, fast food, etc.) may not be compatible due to impact on nearby housing.

Expansion in existing centers should not encroach, or expand to encroach, on existing neighborhoods, and commercial areas must be screened from residential areas.

### **TRAFFIC ANALYSIS:**

The Comprehensive Plan identifies South 17<sup>th</sup> Street as a Minor Arterial both now and in the future. Garfield, Washington, and South 18<sup>th</sup> Streets are identified as local streets. (E 49, F 103)

**Minor Arterials:** This functional class serves trips of moderate length and offers a lower level of mobility than principal arterial. This class interconnects with, and augments principal arterials, distributes traffic to smaller areas, and contains streets that place some emphasis on land access. These are characterized by moderate to heavy traffic volumes. (F 103)

**Local Streets:** These are composed of all lower order facilities that essentially serve as a conduit between abutting properties and higher order streets. Local streets provide the lowest level of mobility and generally exhibit the lowest traffic volumes. (F 105)

### **AESTHETIC CONSIDERATIONS:**

There is an existing single-family residence on this lot. Existing single-family residences also face this property along the other side of the block. The two lots immediately west of this lot are already paved parking lot areas for the grocery store. Between this parking lot and South 17<sup>th</sup> Street, there are two more single-family residences.

Expanding the parking area in this direction, rather than towards South 17<sup>th</sup> Street, represents a further intrusion into the residential neighborhood.

### **ALTERNATIVE USES:**

This lot could remain as a single-family residential lot.

### **ANALYSIS:**

1. This is a request for a special permit to allow the use of a residential lot as a parking lot for an adjacent grocery store located in a commercial district.
2. A special permit for a parking lot in an R-6 Residential district may be granted pursuant to LMC §27.63.170, provided the following conditions can be met:
  - 2.1 The premises upon which the parking lot is located shall not be located more than 300' from the boundary of a B-3 Commercial district.
  - 2.2 The parking lot shall not use a local street for access.
  - 2.3 Any adjacent alley serving the parking lot shall be paved.

- 2.4 Any lighting facility shall be oriented to eliminate light trespass on adjacent residentially zoned properties in accordance with adopted design standards.
3. This parking lot is located 100' from the nearest B-3 Commercial district. The only access is from an existing parking lot. There are two light poles located within this parking lot that must conform to design standards for parking lot lighting.
4. In addition to the conditions stated above, the City Council must also consider the following criteria. These criteria may be adjusted upon a showing of sufficient cause and that there will be no significant impact on adjacent residential uses.
  - 4.1 There shall be no residential use located between the parking lot and the commercial or industrial establishment.
  - 4.2 The parking lot shall not disrupt the continuity of the block face, and the character of the existing residential neighborhood shall be preserved.
  - 4.3 The parking lot shall be allowed only if it can function as a transitional use while protecting the adjacent residential use.
  - 4.4 The parking lot shall abut a commercial or industrial zoning district.
5. There are no residential uses located between this parking lot and the grocery store. However, there are residential uses located adjacent to either side of the entire parking area on Garfield Street.
6. This block face of Garfield Street is already broken up by an existing parking lot for this grocery store. Adding another parking lot will continue to alter the character of this street.
7. This parking lot does not appear to serve as a transition between the residential uses and the grocery store. This parking lot will require the removal of an existing residence, and will push the limits of the entire parking area further into the neighborhood.
8. This parking lot does not abut a commercial or industrial zoning district.
9. The Comprehensive Plan repeatedly states that commercial uses should not encroach upon or expand into residential neighborhoods. The special permit conditions in the Zoning Ordinance also identify several concerns related to neighborhood preservation and appropriate transitional uses.

10. The property located to the west of the existing parking area is already zoned B-3 Commercial, and is shown as Commercial in the Land use Plan. Expanding the parking lot in that direction would be allowed by right, without the need for a permit. Such expansion would also move the parking lot closer to a minor arterial. This would minimize its effect on the character of a residential street that has already been changed by the existing parking lot.
11. The Design Standards for parking lots appear to be met with this application.
12. The Urban Development Department has chosen to remain neutral on this application. Their comments are attached.

Should the Planning Commission choose to recommend approval of this application, the following conditions should be included.

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:
  - 1.1 Revise the site plan to show:
    - 1.1.1 The zoning district boundaries in the area.
    - 1.1.2 A note indicating that all lighting will be oriented to eliminate light trespass on adjacent residentially zoned properties in accordance with City of Lincoln Design Standards.
2. This approval permits the use of Lot 8, W. W. Holmes Subdivision, as a parking lot to serve Russ' Market at 1709 Washington Street.

General:

3. Before receiving building permits:
  - 3.1 The permittee shall have submitted an acceptable, revised final plan.
  - 3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
  - 4.1 Before occupying the parking lot all development and construction shall have been completed in compliance with the approved plans.
  - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
  - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Greg Czaplewski  
Planner

**Date:** May 13, 2003

**Applicant:** Russel W. Raybould  
2020 Harrison Street  
Lincoln, NE 68502  
464.6297

**Owner:** Raybould Partners, Ltd.  
2020 Harrison Street  
Lincoln, NE 68502  
464.6297

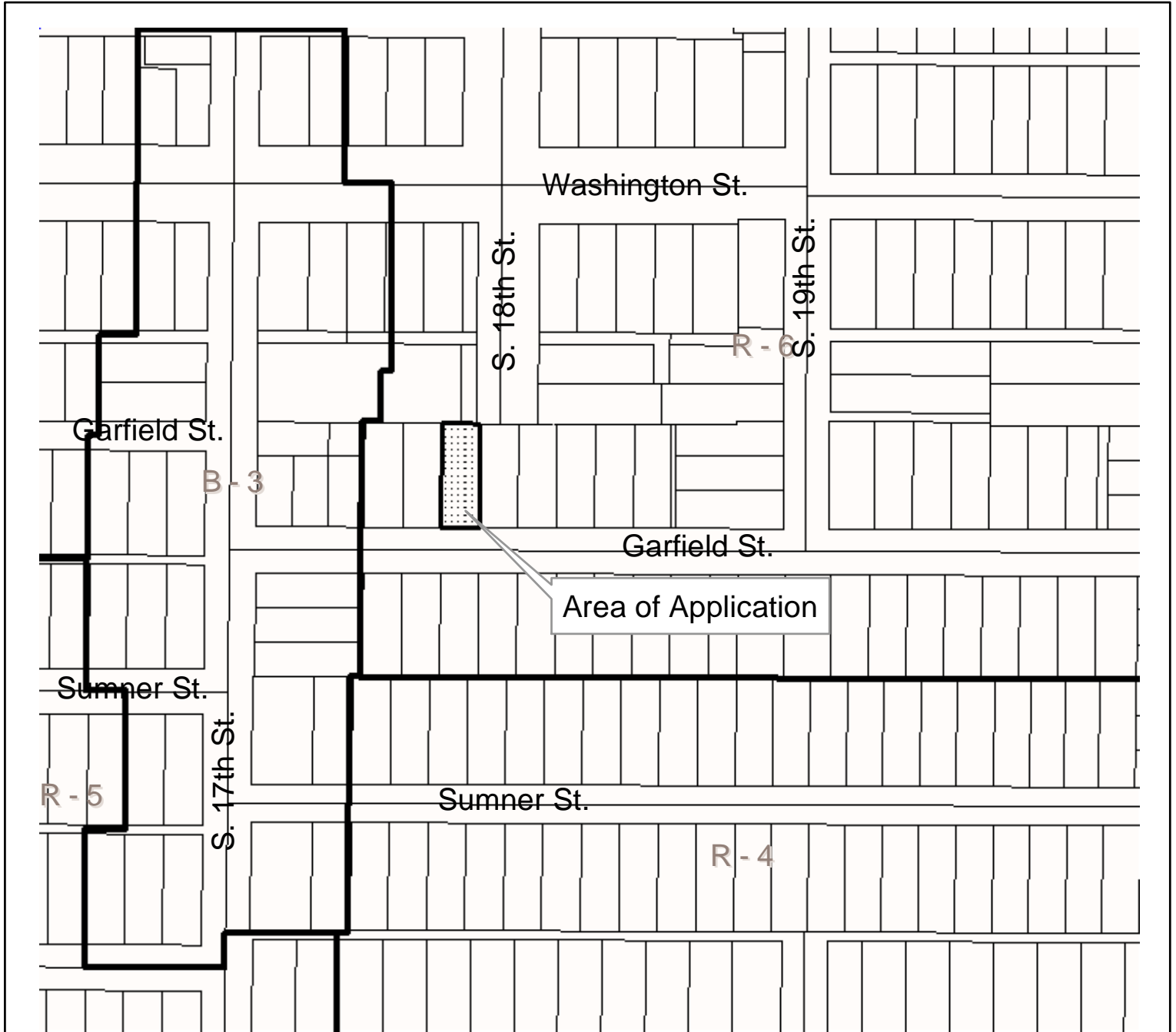
**Contact:** Keating, O'Gara, Davis, & Nedved, P.C.  
Paul J. Peter  
530 South 13<sup>th</sup> Street, Suite 100  
Lincoln, NE 68508  
475.8230





**Special Permit #1583A**  
**S. 17th & Garfield St.**



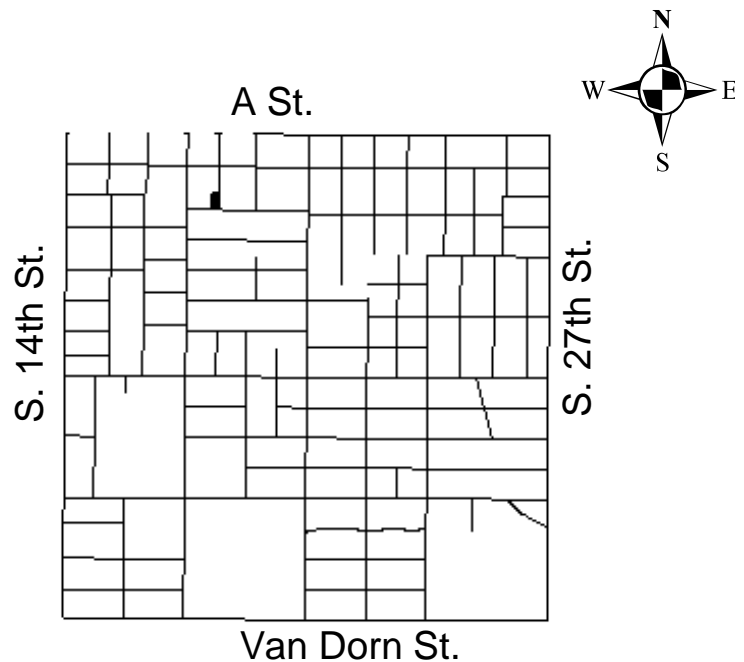
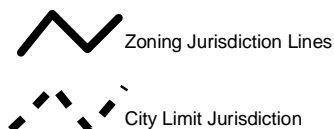


## Special Permit #1583A S. 17th & Garfield St.

### Zoning:

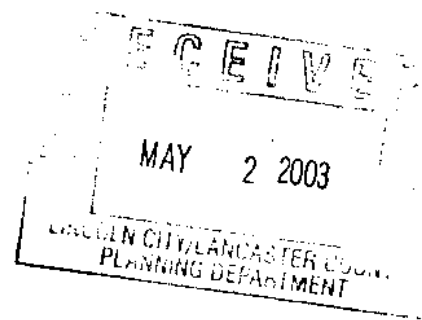
One Square Mile  
Sec. 36 T10N R6E

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District



## PURPOSE STATEMENT

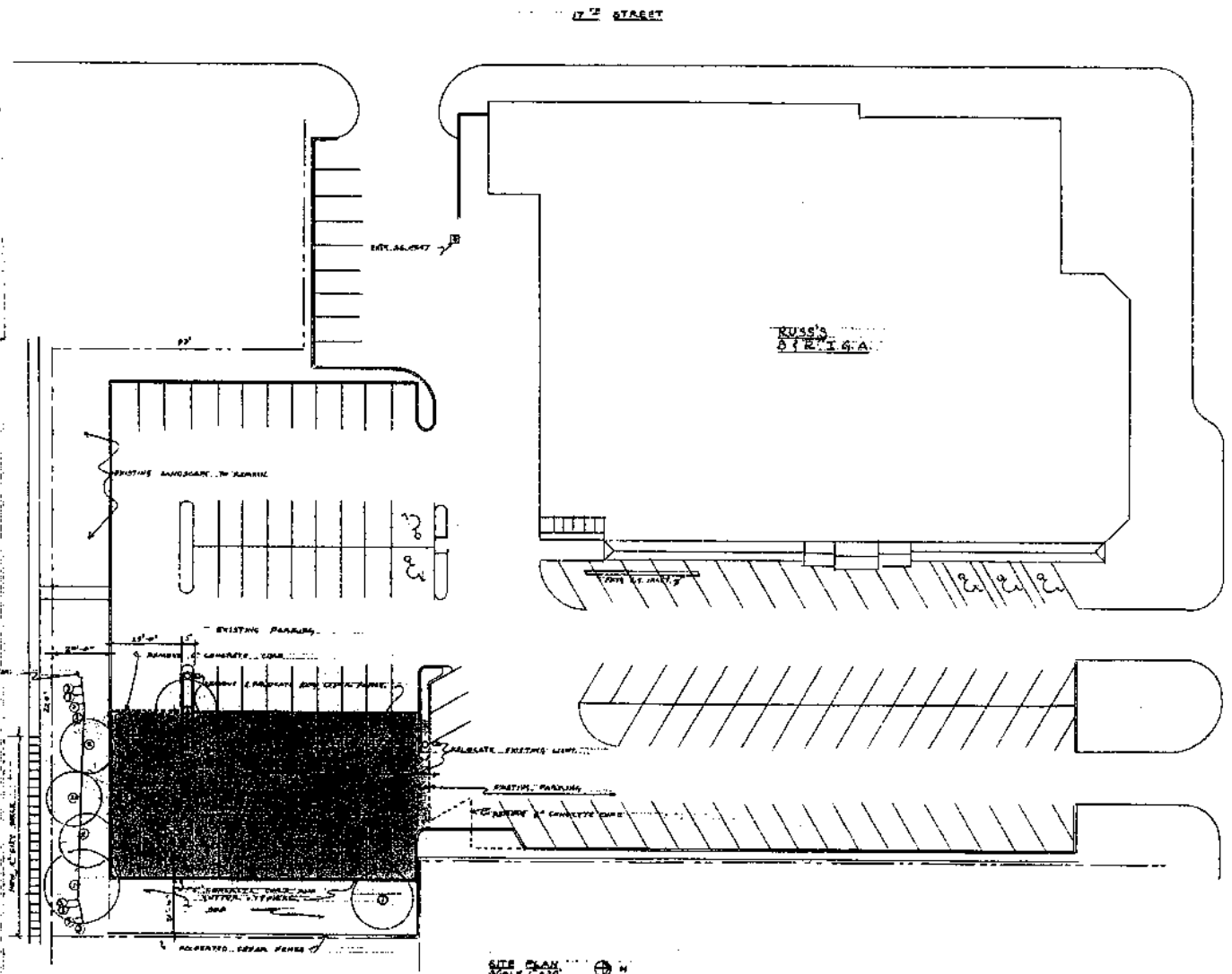
The subject property is located directly to the south and east of current properties owned by the applicant that are used for parking lot purposes. The parking lot serves patrons of the grocery store known as Russ's Market located on 17<sup>th</sup> and Washington Street and contiguously located to the parking lot properties. Applicant is requesting a special permit to expand the parking lot to include the subject property in order to allow for additional parking spaces. The additional parking spaces are necessary given the current customer volume and traffic using the Russ's Market store.



RECEIVED  
MAY 2 2003  
LINCOLN CITY/LANCASTER COUNTY  
PLANNING DEPARTMENT

LEGAL DESCRIPTION:  
LOT 8, 1/4 SEC. 16, TOWNSHIP 35 N., RANGE 10 W., COUNTY OF LANCASTER, NEBRASKA. PART OF THE 1/4 SEC. 16, TOWNSHIP 35 N., RANGE 10 W., COUNTY OF LANCASTER, NEBRASKA. MORE OR LESS AS SHOWN ON THE PLAT OF THE 1/4 SEC. 16, TOWNSHIP 35 N., RANGE 10 W., COUNTY OF LANCASTER, NEBRASKA, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF LANCASTER COUNTY, NEBRASKA, ON MAY 2, 2003.

PLANT SCHEDULE			
QTY	COMMON NAME	BOTANICAL NAME	SIZE
1	MARSHAL SPYGLASS CACTUS	CHOLERA PEREGRINA	4" DIA.
2	AUSTRIAN PINE	QUERCUS ALBA	12" DIA.
3	YEW	TAXUS MEDIA	12" DIA.

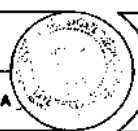


SITE PLAN  
SCALE 1" = 20'

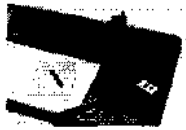
RUSSE'S BIER I.G.A. PARKING LOT EXPANSION  
1709 WASHINGTON  
LINCOLN, NEBRASKA 68502



ERICH BROER  
ARCHITECT  
1800 S.W. 40th.  
LINCOLN, NEBRASKA  
68522



DATE  
9-23-03  
PROJECT  
SHEET  
4-1



Hallie E Salem

05/16/2003 04:44 PM

To: Gregory S Czapslewski/Notes@Notes  
cc: Wynn S Hjermstad/Notes@Notes, jcjc@navix.net,  
gmccown@neb.rr.com, Marc Wullschleger/Notes@Notes  
Subject: Russ's Permit

Greg,

While the Near South Neighborhood Association has not met to discuss the Russ's special permit application to remove the house at 1744 Garfield and install an addition to their parking lot, Greg McGown, President of the Neighborhood Association, did comment on the project:

- Russ's Market has been very good to Near South, helping out with donations and assisting in ticket sales for their home tour.
- The Near South Neighborhood Association has opposed this type of project in the past. The Neighborhood Association places a high priority on preserving its existing housing stock.

Because the Neighborhood Association has not taken an official position for or against this permit at this time, the Urban Development Department will remain neutral.

The Neighborhood Association may wish to comment further on this permit. Could you please reply to all with the date that this special permit will be reviewed?

Thank you,  
Hallie

Hallie E. Salem  
Community Development Program Specialist  
City of Lincoln, Urban Development Department  
Ph: (402) 441-5543, FAX: (402) 441-8711